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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2046

MARIA L. MARTIN
355 Garfield Avenue
Pomona, CA 91767

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Respiratory Care Practitioner License No. 907

Respondent.

IT IS HEREBY STIPULATED by and between MARIA L. MARTIN ("Ms. Martin" or "Respondent") with the counsel and advice of her attorney, and complainant STEPHANIE NUNEZ, in her official capacity as Executive Officer of the Respiratory Care Board of California ("Board"), by and through her attorneys, Edmund G. Brown Jr., Attorney General, by Jose R. Guerrero, Supervising Deputy Attorney General and Catherine Santillan, Senior Legal Analyst, as follows:

1. The complainant is the Executive Officer of the Respiratory Care Board of California and brought the accusation in case No. R-2046 solely in her official capacity. A copy of the accusation in case No. R-2046 is attached as Exhibit A and incorporated by reference in this stipulation. Complainant enters into this agreement solely in her official capacity.

2. Respondent is represented by attorney Michelle Gomez-Novy at 2462 East Woodlyn Road, Pasadena, California 91104.

1 3. Respondent has received and read the accusation which is attached to this
2 stipulation as Exhibit A.

3 4. Ms. Martin's license history and status, as set forth in paragraphs 2 and 3
4 of the attached accusation is true and correct.

5 5. Respondent understands the nature of the charges alleged in the accusation
6 and that those charges and allegations, if proved, would constitute cause for imposing discipline
7 upon her respiratory care practitioner's license.

8 6. Respondent is fully aware of her legal rights in this matter, including the
9 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
10 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
11 the right to present evidence and to testify on her own behalf; the right to the issuance of
12 subpoenas to compel the attendance of witnesses and the production of documents; the right to
13 reconsideration and court review of an adverse decision; and all other rights accorded by the
14 California Administrative Procedure Act and other applicable laws.

15 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
16 each and every right set forth above.

17 8. Respondent admits the truth of each and every charge and allegation in
18 Accusation No. R-2046, agrees that cause exists for discipline and hereby surrenders her
19 Respiratory Care Practitioner License No. 907 for the Board's formal acceptance.

20 9. Respondent intends to retire from the practice of respiratory care for
21 medical reasons in the near future. Therefore, in order to avoid a lengthy administrative hearing,
22 Respondent agrees to surrender her respiratory care practitioner license to the Board.

23 10. Respondent expressly agrees to waive her right to renew her license and
24 expressly agrees that she will not seek reinstatement of her license or seek relicensure in the State
25 of California for at least three years from the effective date of this surrender and that any such
26 application shall be deemed a petition for reinstatement of the certificate under Business and
27 Professions Code section 3751.

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11. Respondent expressly agrees that, should she in the future petition for reinstatement, Business and Professions code section 823 regarding reinstatement of licensure shall apply. The Board may consider the materials included in and attached to the Board's investigation report in case number 1H 2006 279, including the December 18, 2006 medical evaluation of Dr. Lorne S. Label, M.D.. Respondent also agrees that, before any petition for reinstatement is filed, she will, at her own expense, submit to a comprehensive health assessment consisting of a physical examination conducted by a physician approved by the Board. Respondent shall pay the costs of this assessment. The Board may consider the results of this assessment in determining whether to grant reinstatement of her license.

12. The Board has incurred actual investigation and enforcement costs in this case in the amount of \$4,848.00. Said costs shall be reduced, however, and the remainder forgiven, if Respondent pays \$3,000.00 within 30 days of the effective date of this Decision and Order. In the event Respondent fails to pay within 30 days of the Decision, the full amount of costs shall be immediately due and payable. The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board. If Respondent is in default of her responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board.

13. In consideration for the above, the Board agrees to accept the surrender of Respondent's Respiratory Care Practitioner License No. 907 upon the terms and conditions specified above.

14. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Respiratory Care Practitioner License without further process.

CONTINGENCY

15. This stipulation shall be subject to approval by the Respiratory Care Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this

stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

16. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 907 issued to Respondent Maria L. Martin is surrendered and accepted by the Respiratory Care Board.

1. Respondent shall lose all rights and privileges as a respiratory care practitioner in California as of the effective date of the Board's Decision and Order.

2. Respondent shall cause to be delivered to the Board her pocket license certificate and wall certificate on or before the effective date of the Decision and Order.

3. Respondent shall pay to the Board \$3,000.00 for investigation and enforcement costs within thirty days of the effective date of this Order and decision. If \$3,000.00 is not paid within thirty days of the effective date of this Order and decision, then the full amount of \$4,848.00 will be due and owing.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michelle Gomez-Novy. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board. I further agree that a facsimile copy of this Stipulation, including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: February 6, 2007

Original signed by:
MARIA L. MARTIN
Respondent

I have read and fully discussed with Respondent Maria L. Martin the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: February 6, 2007

Original signed by:
MICHELLE GOMEZ-NOVY
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: February 20, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

JOSE R. GUERRERO
Supervising Deputy Attorney General

Original signed by:
CATHERINE E. SANTILLAN
Senior Legal Analyst

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

Case No. R-2046

MARIA L. MARTIN
355 Garfield Avenue
Pomona, CA 91767

Respiratory Care Practitioner License No. 907

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 26, 2007.

It is so ORDERED March 16, 2007.

Original signed by:
LARRY L. RENNER, BS, RRT, RCP, RPFT
RCB PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA